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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

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) The Commission's Rules
) To Ensure Compatibility with
) Enhanced 911 Emergency
) Calling Systems)

CC Docket No. 94-102

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

**WRITTEN *EX PARTE* COMMENTS OF ALLEN TELECOM
IN RESPONSE TO REPLY COMMENTS OF
VOICESTREAM CONCERNING APCO PETITION FOR
RECONSIDERATION OF VOICESTREAM WAIVER**

Allen Telecom, Inc. ("Allen") respectfully submits the following written *ex parte* comments in response to the "Reply Comments Concerning APCO Petition for Reconsideration of VoiceStream Waiver" ("Reply") filed by VoiceStream Wireless Corporation ("VoiceStream") on October 17, 2000. Allen is submitting these written *ex parte* comments for the purpose of correcting certain erroneous statements by VoiceStream in reference to Allen.

In its Reply, VoiceStream claims: "VoiceStream's decision was based on the fact that Allen Telecom would not demonstrate that its solution was viable for GSM unless VoiceStream was willing to make a firm commercial commitment to its unproven technology."¹ VoiceStream has not presented a correct rendition of the facts.

First, Mark Cosgrove, who signed a declaration for VoiceStream, could not have direct personal knowledge of the facts since he had no direct contact with Allen Telecom. In fact, no one from Allen was ever contacted by Mr. Cosgrove. The only contacts Allen Telecom had with VoiceStream have been with Mr. Justin Mueller, Mr. Jeff Eade and Mr. John Neal, beginning in July 2000.

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Second, Mr. Cosgrove ignores the fact that VoiceStream delayed its first real discussion with Allen until July of 2000. Since early 2000, Allen had promoted its Geometrix® wireless location solution to all wireless carriers in trade shows, advertising in wireless industry publications, participation in wireless E-911 conferences, trade publication articles, and through its internet site with search engine pointers. These promotions made the industry aware of Allen's Geometrix® wireless location system and disseminated detailed information about its capabilities, including support of multiple air interface standards and frequencies. As a result of these efforts, Allen received many inquiries from wireless carriers throughout the United States, the Far East, South America, and Europe, but none from VoiceStream. Mr. Cosgrove ignores this history and mischaracterizes the substance of the conversation that took place when VoiceStream finally did respond to Allen.

By July of 2000, Allen had already developed and tested its Geometrix® system for the AMPS, CDMA, and TDMA wireless air interface standards because of their wide deployment in the United States. Geometrix® compatibility with the less common iDEN air interface also had been developed by Allen as the result of interest expressed by carriers who employ this air interface. Allen did not require a firm commitment of any carrier to develop Geometrix® for any of the supported air interfaces, but based its development efforts instead on perceived market potential as determined by actual air interface deployment or carrier expression of interest.

It was in this context that Allen made its good faith offer to VoiceStream to adapt Geometrix® to support the GSM air interface employed by VoiceStream. Allen did not ask VoiceStream to make a commitment to purchase a Geometrix® system offered by Allen. Rather, Allen asked VoiceStream to express whether VoiceStream might seriously consider the

¹ Reply at 5.

Geometrix® system before Allen would allocate time, money and other resources to adapt Geometrix® to the GSM air interface. VoiceStream voiced no such interest, did not respond to Allen's offer to accelerate development of the GSM air interface, and did not take advantage of several Allen offers to meet to discuss the potential solution. At no time was Mr. Cosgrove involved in any of the discussions or correspondence between Allen and VoiceStream.

VoiceStream also exaggerates the effort required to adapt Geometrix® to work with GSM. Although the GSM air interface is not widely used in the United States, it by no means represents an insurmountable technical hurdle to Allen's technical capabilities. In fact, Allen already has considerable experience with GSM, having developed and marketed a GSM network test equipment product line. Furthermore, the record in this proceeding shows that Geometrix® has already been developed and meets the Commission's Phase II standards for the AMPS, TDMA, CDMA and iDEN wireless air interfaces.²

Allen developed Geometrix® to support these air interfaces based on their wide deployment in the United States and on Allen's perception of carrier demand potential. The location technology underlying Geometrix® itself works, even with the most difficult of these wireless air interfaces, CDMA. Since the GSM air interface is merely a form of TDMA technology, it is not a lengthy nor particularly difficult undertaking for Allen to adapt Geometrix® to work with GSM, were Allen to have some indication of market potential. This adaptation could be accomplished in time to produce equipment to allow VoiceStream to meet the Commission's October 2001 implementation deadline. Allen informed VoiceStream of Allen's capability to modify Geometrix® for GSM and to produce E911 Phase II compliant Geometrix® caller location systems for VoiceStream.

VoiceStream makes reference to the frequency hopping characteristic of the GSM air interface, portraying this technical detail as a significant obstacle to adapting the Geometrix® to support GSM. In fact, developing Geometrix® equipment to work with GSM frequency hopping is substantially less complex and less challenging than the complex frequency use and variable power control demands of CDMA, which Allen has already accomplished.³ In addition, VoiceStream makes reference to the calibrated panel antennas needed for Angle of Arrival (“AOA”) signal measurements, but ignores the information Allen conveyed to VoiceStream about Geometrix®. Specifically, in the vast majority of installations, Geometrix® uses only Time Difference of Arrival (“TDOA”) signal measuring techniques, employing only the wireless network’s existing antennas. Geometrix® supplements TDOA with AOA only in very limited settings, and the same type of panel antennas that are used for the other air interfaces would work perfectly well with GSM.

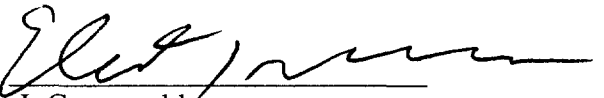
Allen Telecom does not take issue with VoiceStream’s right to its own technology choice for complying with the Commission’s requirements. Rather, Allen’s concern is that VoiceStream has misstated the facts as they relate to Allen’s offer to adapt its Geometrix® emergency caller location system to allow VoiceStream to be compliant with the Commission’s wireless E911 Phase II mandate. VoiceStream chose to not consider Allen’s viable solution, did not even respond to Allen’s offers to discuss its capabilities until very late in the process, and then sought a waiver on the basis that a viable solution was not available, even though Allen consistently informed VoiceStream that Geometrix® could be adapted to support GSM.

² See Letter by Eliot J. Greenwald to Magalie Roman Salas, Esq., dated June 8, 2000, submitted in this docket. The letter includes as an attachment a slide presentation by Allen concerning the development and testing of Geometrix®.

³ For an illustration of the effectiveness of this development, see the joint Allen-Verizon Wireless CDMA field trial press release dated September 25, 2000, attached hereto as Exhibit 1. See also Letter by Eliot J. Greenwald to Magalie Roman Salas, Esq., dated September 27, 2000, submitted in this docket. The letter includes as an attachment a slide presentation by Allen concerning the Verizon CDMA field trials.

Respectfully submitted,

ALLEN TELECOM, INC.

By: 
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December 11, 2000

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VERIFICATION OF JOSEPH P. KENNEDY

I, Joseph P. Kennedy, do hereby verify and state:

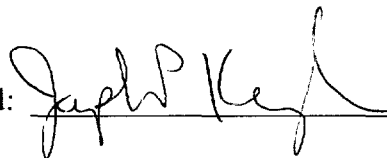
1. I am the Vice President Business Development for the Grayson Wireless Division of Allen Telecom, Inc. ("Allen"). My business address is 2002 Edmund Halley Drive, 3rd Floor, Reston, VA 20191.

2. I have reviewed the attached Written *Ex Parte* Comments of Allen Telecom in Response to Reply Comments of VoiceStream Concerning APCO Petition for Reconsideration of VoiceStream Waiver and find that the factual representations therein are true and correct.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: December 8, 2000

Signed: _____

A handwritten signature in cursive script, appearing to read 'Joseph P. Kennedy', written over a horizontal line.

Joseph P. Kennedy


CERTIFICATE OF SERVICE

I, Penny Jackson, hereby certify that on this 11th day of December, 2000, copies of the attached, **“WRITTEN *EX PARTE* COMMENTS OF ALLEN TELECOM IN RESPONSE TO REPLY COMMENTS OF VOICESTREAM CONCERNING APCO PETITION FOR RECONSIDERATION OF VOICESTREAM WAIVER”**, were sent via U.S. Mail, to the following:

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